

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

On May 1, 2013, Plaintiff filed the instant Complaint. (Doc. 1.) On September 5, 2013, Defendants filed a Motion to Dismiss this action in its entirety. (*MTD* [Doc. 8].) On September 6, 2013, the Court issued a scheduling order which required Plaintiff to respond to the Motion to Dismiss on November 1, 2013. (*Scheduling Order* [Doc. 9].) Plaintiff has not opposed the motion as of the date of this order.

Civil Local Rule 7.1(f.3.c) provides that “[i]f an opposing party fails to file papers in the manner required by Local Rule 7.1.e.2, that failure may constitute a consent to the granting of that motion or other ruling by the court.” The Ninth Circuit has held that a district court may properly grant a motion to dismiss for failure to respond. *See generally Ghazali v. Moran*, 46 F.3d 52, 52 (9th Cir. 1995) (per curiam) (affirming dismissal for failure to file timely opposition papers where plaintiff had notice of the motion and ample time to respond).

Therefore, relying on Civil Local Rule 7.1(f.3.c), the Court deems Plaintiff's failure to

1 adequately oppose Defendants' motion as consent to granting it. In light of the foregoing, the
2 Court **GRANTS** Defendants' motion to dismiss **WITHOUT PREJUDICE**. (Doc. 8.)

3 **IT IS SO ORDERED.**

4 DATED: December 3, 2013

5 
6 M. James Lorenz
United States District Court Judge

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28